

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.903 OF 2020

Mina D/o Ramkrishna Panchgam, Now
Sau. Mina w/o Dinesh Ghante,
Aged about 56 years,
R/o. Frezerpura, Near Bhagatsingh Chowk,
Amravati, Dist. Amravati

.... PETITIONER

VERSUS

1. The State of Maharashtra,
through its Principal Secretary,
Tribal Development Department,
Mantralaya, Mumbai - 32
2. The Sceduled Tribe Certificate Scrutiny
Committee, Amravati Division, Amravati
through its Deputy Director and Member
Secretary having office at Irwin Chowk,
Morshi Road, Amravati
3. The Executive Engineer,
Upper Wardha Irrigation Department,
Amravati, Tq. & Dist. Amravati

...RESPONDENTS

Shri A.I. Sheikh, Advocate for the petitioner.
Shri A.R. Chutke, Assistant Government Pleader for the
respondent Nos.1 to 3/State.

**CORAM : A.S. CHANDURKAR AND
G.A. SANAP, JJ.**

DATED : DECEMBER 21, 2021.

JUDGMENT (Per A.S. Chandurkar, J.) :

Rule. Rule is made returnable forthwith and heard learned counsel for the parties.

2. The challenge raised in this writ petition is to the order of invalidation passed by the Scrutiny Committee on 30/01/2020. By the said order, the petitioner has been refused validity of belonging to “Mannewar” Scheduled Tribe.

3. It is not necessary to refer in detail to the grounds raised in the writ petition for challenging the order passed by the Scrutiny Committee for the simple reason that two sisters and three cousins of the petitioner have been granted validity certificate of belonging to “Mannewar” Scheduled Tribe. This adjudication is pursuant to order passed by this Court in Writ Petition No.5119/2016. These validity certificates were placed before the Scrutiny Committee but the same were not considered on the specious ground that the holders of those validity certificate did not turn up before the vigilance cell.

4. In the light of the fact that two blood relatives and three cousins of the petitioner have been issued validity certificate, the impugned order invalidating the tribe claim of the petitioner is liable to be set aside.

5. Accordingly, the order dated 30/01/2020 passed by the Scrutiny Committee is set aside. It is declared that the petitioner belongs to “Mannewar” Scheduled Tribe. The Scrutiny Committee shall issue a validity certificate to the petitioner within a period of six weeks from today.

6. Rule is made absolute in the aforesaid terms. No costs.

(G.A. SANAP, J.)

(A.S. CHANDURKAR, J.)

*DB